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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

FRED BOUZEK, an individual; and BIKER
NEWS, an entity of unknown origin and
nature,

Defendants.

Case No.: 2:10-cv-1134

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Fred Bouzek (“Mr. Bouzek”) and Biker News (collectively with Mr. Bouzek known herein as the “Defendants”), on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. Mr. Bouzek is, and has been at all times relevant to this lawsuit, the owner of the Internet domain found at <bikernews.net> (the “Domain”), as evidenced by Mr. Bouzek’s Twitter page, attached hereto as Exhibit 1.

5. Mr. Bouzek’s Facebook page, attached hereto as Exhibit 2, provides a hyperlink to Mr. Bouzek’s Twitter page.

6. Mr. Bouzek’s Twitter page states: “Bio Bikernews.net Owner,” as set forth in Exhibit 1.

7. Biker News is, and has been at all times relevant to this lawsuit, the self-proclaimed owner of the copyright(s) in the work(s) posted as part of the content accessible through the Domain (said content accessible through the Domain known herein as the “Website”), as evidenced by a copyright notice displayed on the Website: “© 1997 - 2010 By Law, these pages and graphics herein are under copyright and are under ownership of ‘Biker News: 1%er,Outlaw,Bikernews,Bikernews.net.’”

8. Biker News is, and has been at all times relevant to this lawsuit, an entity of unknown origin and nature.

9. Attempts to find evidence of the formal organizational status in the respective Secretary of State offices of Delaware, California, Illinois, New York, Texas, Tennessee, Nevada, and Virginia demonstrate that, at least with respect to these states, Biker News is not a formally organized business entity.

JURISDICTION

10. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

1 11. Righthaven is the owner of the copyright in the literary work entitled:
2 “Undercover agent one of few to get into Hells Angels” (the “Work”), attached hereto as Exhibit
3 3.

4 12. At all times relevant to this lawsuit, the Work has depicted and depicts the
5 original source publication as the *Las Vegas Review-Journal*.

6 13. The Defendants willfully copied, on an unauthorized basis, the Work from a
7 source emanating from Nevada.

8 14. On or about April 5, 2010, the Defendants displayed, and continue to display, an
9 unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 4, on the
10 Website.

11 15. The subject matter, at least in part, of the Work and the Infringement, is the
12 Nevada-based activity of the Hells Angels motorcycle club.

13 16. At all times relevant to this lawsuit, the Defendants knew that the Work was
14 originally published in the *Las Vegas Review-Journal*.

15 17. At all times relevant to this lawsuit, the Defendants knew that the Infringement
16 was and is of specific interest to Nevada residents.

17 18. The Defendants’ display of the Infringement was and is purposefully directed at
18 Nevada residents.

19 19. The Defendants’ contacts with Nevada are continuous and systematic because the
20 Defendants posted and post, on the Website, advertisements for hotels and casinos located in
21 Nevada, evidence of which is attached hereto as Exhibit 5.

22 20. The Defendants’ contacts with Nevada are continuous and systematic because the
23 Defendants published and publish, on the Website, information of specific interest to Nevada
24 residents about Nevada-based criminal activity, and such contacts have been in existence at least
25 in excess of two years.

26 21. The Defendants’ contacts with Nevada are continuous and systematic because the
27 Defendants published and publish, on the Website, information of specific interest to Nevada
28

1 residents about Nevada-based motorcycle clubs, and such contacts have been in existence at least
2 in excess of two years.

3 22. The Defendants' contacts with Nevada are continuous and systematic because the
4 Defendants published and publish, on the Website, information of specific interest to Nevada
5 residents about Nevada-based law enforcement officials, and such contacts have been in
6 existence at least in excess of two years.

7 23. The Defendants' contacts with Nevada are continuous and systematic because the
8 Defendants published and publish, on the Website, information of specific interest to Nevada
9 residents about motorcycle club fundraisers, events, and meetings located in Nevada, and such
10 contacts have been in existence at least in excess of two years.

11 VENUE

12
13 24. The United States District Court for the District of Nevada is an appropriate
14 venue, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to
15 the claim for relief are situated in Nevada.

16 FACTS

17
18 25. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
19 102(a)(1).

20 26. Righthaven is the owner of the copyright in and to the Work.

21 27. The Work was originally published on April 5, 2010.

22 28. On July 2, 2010, the United States Copyright Office (the "USCO") granted
23 Righthaven the registration to the Work, copyright registration number TX0007169383 (the
24 "Registration") and attached hereto as Exhibit 6 is evidence of the Registration in the form of a
25 printout of the official USCO database record depicting the occurrence of the Registration.

26 29. On or about April 5, 2010, the Defendants displayed, and continue to display, the
27 Infringement on the Website.

1 30. The Defendants did not seek permission, in any manner, to reproduce, display, or
2 otherwise exploit the Work.

3 31. The Defendants were not granted permission, in any manner, to reproduce,
4 display, or otherwise exploit the Work.

5
6 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

7 32. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
8 31 above.

9 33. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17
10 U.S.C. § 106(1).

11 34. Righthaven holds the exclusive right to prepare derivative works based upon the
12 Work, pursuant to 17 U.S.C. § 106(2).

13 35. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
14 17 U.S.C. § 106(3).

15 36. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
16 U.S.C. § 106(5).

17 37. The Defendants reproduced the Work in derogation of Righthaven's exclusive
18 rights under 17 U.S.C. § 106(1).

19 38. The Defendants created an unauthorized derivative of the Work in derogation of
20 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

21 39. The Defendants distributed, and continue to distribute, an unauthorized
22 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
23 17 U.S.C. § 106(3).

24 40. The Defendants publicly displayed, and continue to publicly display, an
25 unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive
26 rights under 17 U.S.C. § 106(5).

27 41. Mr. Bouzek has willfully engaged in the copyright infringement of the Work.

28 42. Biker News has willfully engaged in the copyright infringement of the Work.

3. Direct the current registrar for the Domain, GoDaddy.com, Inc., and any successor domain name registrar for the Domain to lock the Domain and transfer control of the Domain to Righthaven;

4. Award Righthaven statutory damages for the willful infringement of the Work, pursuant to 17 U.S.C. § 504(c);

5. Award Righthaven costs, disbursements, and attorneys' fees incurred by Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

6. Award Righthaven pre- and post-judgment interest in accordance with applicable law; and

7. Grant Righthaven such other relief as this Court deems appropriate.

DEMAND FOR JURY TRIAL

Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.

Dated this twelfth day of July, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons
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